

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-540-RJC-DSC**

**ALTON SHARAN SAPP,**

**Plaintiff,**

**vs.**

**DISTRICT ATTORNEY CHARLOTTE,  
NC, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

The *pro se* Plaintiff has filed 28 civil actions in this Court in under two months without paying the filing fee, and sought to proceed *in forma pauperis* in each.<sup>1</sup> See [Doc. 2]. On October 13, 2022, the Court denied the Plaintiff's Application to proceed *in forma pauperis* in the instant case due to his pattern of abusive, frivolous, malicious, and harassing litigation, and ordered him to pay the full filing fee within 14 days. [Doc. 4]. The Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice.<sup>2</sup> [Id.]. The October 13 Order was mailed to the Plaintiff at his address of record on the same day it was

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<sup>1</sup> At present, his pending cases in this Court are: 3:22-cv-411-RJC-DCK; 3:22-cv-412-KDB-DSC; 3:22-cv-416-KDB-DSC; 3:22-cv-450-RJC-DSC; 3:22-cv-461-RJC-DCK; 3:22-cv-462-FDW-DSC; 3:22-cv-494-KDB-DSC; 3:22-cv-495-KDB-DCK; 3:22-cv-518-KDB-DSC; 3:22-cv-519-KDB-DCK; 3:22-cv-525-KDB-DCK; 3:22-cv-526-RJC-DSC; 3:22-cv-527-RJC-DCK; 3:22-cv-528-KDB-DSC; 3:22-cv-529-RJC-DCK; 3:22-cv-530-RJC-DSC; 3:22-cv-532-RJC-DSC; 3:22-cv-533-RJC-DCK; 3:22-cv-535-RJC-DCK; 3:22-cv-537-RJC-DCK; 3:22-cv-540-RJC-DSC; 3:22-cv-555-MOC-DCK; 3:22-cv-563-KDB-DCK; 3:22-cv-567-KDB-DCK; 3:22-cv-568-KDB-DSC; 3:22-cv-538-KDB-DSC; 3:22-cv-551-KDB-DCK.

<sup>2</sup> The Court also cautioned the Plaintiff that the repeated filing of frivolous actions may result in the imposition of sanctions and/or a pre-filing injunction. [Doc. 4 at 7]. The Plaintiff has been ordered to explain why he should not be subject to a pre-filing review system in several of his pending cases, Case Nos. 3:22-cv-563-KDB-DCK, 3:22-cv-567-KDB-DCK, 3:22-cv-568-KDB-DSC. Had the Plaintiff not already been ordered to show cause why a pre-filing review system should not be imposed, the Court would do so in the instant case.


entered. The Plaintiff has not paid the filing fee and the time to do so has expired.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED that:**

1. This action is **DISMISSED** without prejudice for Plaintiff’s failure to comply with the Court’s October 13, 2022 Order.
2. The Plaintiff’s pending Motion [Doc. 3] is **DENIED** as moot.
3. The Clerk of this Court is directed to close this case.

Signed: November 15, 2022

  
Robert J. Conrad, Jr.  
United States District Judge

